

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 24, 2013

**Elisabeth A. Shumaker
Clerk of Court**

NOLAN MCKENZIE,

Plaintiff - Appellant,

v.

OFFICE DEPOT STORE; OFFICE
DEPOT CORPORATION,

Defendants - Appellees.

No. 12-3317
(D.C. No. 2:12-CV-02373-EFM-JPO)

ORDER

The captioned appeal is dismissed for lack of prosecution pursuant to 10th Cir. R.
3.3(B) and 10th Cir. R. 42.1.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk